IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7933 of 1997

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

HIRAVATI EXPORTS PRIVATE LTD

Versus

STATE OF GUJARAT

Appearance:

M/S TRIVEDI & GUPTA for Petitioner No. 1-2

MR KL PANDYA, AGP, for Respondent No. 1

MR NK MAJMUDAR for Respondent No. 2 and 3

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 07/04/2004

ORAL JUDGEMENT

1. Heard Mr. Barot for the petitioners, Mr. K.L. Pandya for respondent no.1 and Mr. N.K. Mjmudar for respondent nos.2 and 3.

2. Mr. Barot for the petitioners submitted that in identical case in Special Civil Application NO.8074/1997 this Court has directed the petitioner therein to make a representation to the respondent Board and that on such representation the respondent Board has withdrawn the supplementary bill which was issued for non-installation

of separate lighting meter. Mr. Barot submitted that the issue involved in the present case is similar to the case of the petitioner in SCA No.8074/97 and the ends of justice would be met if similar directions are issued to the respondent Board. Mr. N.K. Majmudar, learned counsel for the respondent Board has fairly conceded to this submission.

3. Accordingly it is directed that the petitioner shall make a representation to the respondent Board on or before 3rd May 2004, and the respondents shall consider such representation within a period of two months thereafter. While deciding the representation of the petitioner the respondents shall also take into consideration their order dated 13th April 2003 in the case of M/s Elite Shipyard. It is clarified the interim protection granted by this Court in this petition shall continue till the representation of the petitioner is disposed of. In case the respondent Board is not inclined to grant the same benefit as was given in the case of M/s Elite Shipyard, it will be open for the petitioner to challenge the same.

4. In view of the aforesaid observations and directions, learned counsel for the petitioners seeks permission to withdraw the petition. Permission granted. Subject to the above observations and directions, petition stands disposed of as withdrawn. Rule is discharged with no order as to costs.

[K.S.JHAVERI, J.]
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